



Anti-Kickback Statute

Of all of the fraud and abuse laws applicable to hospitals and health systems, the Anti-Kickback Statute poses a most severe risk if a violation occurs. Courts have interpreted that a violation of the Anti-Kickback Statute will occur if only one purpose of a financial arrangement between a hospital and referral source is intended to induce that referral source's referrals of Medicare business. Krieg DeVault advises hospitals and health systems on practical solutions to comply with the Anti-Kickback Statute and implement operationally appropriate safeguards to minimize the potential risks. Our advice includes adherence, where applicable, to the various safe harbors under the Anti-Kickback Statute. Compliance with the Anti-Kickback Statute is important because in addition to fines and penalties, the Anti-Kickback Statute, which is a criminal statute, can impose criminal sentences for any physician or executive involved in a non-compliant financial arrangement. Krieg DeVault has also assisted clients in disclosing Anti-Kickback violations through the OIG Self-Disclosure Protocol.

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